

REMARKS

Claims 1 – 31 are pending, where claims 1, 13, 16, and 25 are independent claims.

Independent claims 1, 16, and 25 are directed to a mobile device having a combined attachment and acoustic port. The claimed port includes an attachment member designed to secure an external member to the mobile device. By combining these individual elements into a single combined element, the claimed mobile device efficiently utilizes available space.

Independent claim 13 represents a corresponding method claim.

In the FOA, the Examiner asserts that DuMont (US5331760) anticipates independent claims 1, 16, and 25 under §102(b). In addition, the Examiner maintains that Raven (US5164987) anticipates independent claims 1, 13, 16, and 25 under §102(b), and that Kumar (WO 01/06344) anticipates independent claims 1, 13, 16, and 25 under §102(b). All of these rejections rely on the Examiner's interpretation of the claimed "port."

On 9 August 2006, Applicant's representative spoke with Examiner Santiago-Cordero regarding the claim rejections. The Examiner clarified that she interprets the phrase "combined attachment and acoustic port" to include any audio path that includes an attachment member. In the Examiner's opinion, the term "port" includes both open and sealed audio paths. While Applicant disagrees, Applicant amends the claims with this RCE to explicitly require that the claimed port comprises an opening. As such, the claimed "port" explicitly requires an open audio path. Should the Examiner insist on interpreting the term "port" in any other way, Applicant respectfully requests that the Examiner provide an explicit, fully supported interpretation for the term "port."

DuMont does not teach or suggest a mobile device having any type of port with an opening, much less a combined attachment and acoustic port. Instead, DuMont describes a fishing lure having a speaker disposed within a watertight housing, where the housing has no openings of any kind, and where the speaker projects sound through the solid housing wall.

Because DuMont's fishing lure housing does not include any openings, much less acoustic openings that project sound, DuMont's fishing lure does not include the claimed attachment and acoustic port. As such, DuMont does not anticipate independent claims 1, 16, and 25.

Raven also does not teach or suggest the claimed combined attachment and acoustic port. Instead, Raven describes a pair of glasses having a fabric earflap hanging from each temple piece of the glasses, where each earflap holds a speaker. As with Dumont, the Examiner interprets Raven's earflap to correspond to the claimed port simply because the speaker projects sound through the earflap. However, because Raven's earflap does not include any type of opening, Raven does not describe the claimed combined attachment and acoustic port. As such, Raven does not anticipate independent claims 1, 13, 16, and 25.

Lastly, Kumar also does not teach or suggest the claimed combined attachment and acoustic port. Instead, Kumar describes a handset having a speaker port and an ear loop. While the ear loop is disposed near the speaker port, nothing in Kumar supports the Examiner's position that the ear loop is part of the speaker port. Instead, Kumar simply teaches that the ear loop is secured to the handset and positioned around the speaker. Simply because the ear loop is positioned near the speaker port does not mean that the ear loop is part of the speaker port. In response to these arguments, the Examiner asserts that the claims do not require that the attachment member be part of the combination port (see FOA p. 4, II. 13 – 15). However, contrary to the Examiner's assertions, the language of the independent claims explicitly require that the combined attachment and acoustic port includes the attachment member¹. Because

¹ Claim 1: "a combined attachment and acoustic port...including an attachment member..."
Claim 13: "placing an attachment member in the acoustic port"
Claim 16: "the combination attachment and acoustic port including a surrounding wall structure and at least one attaching bar extending across the port"
Claim 25: "a combination port...comprising...attaching means for attaching an external member"

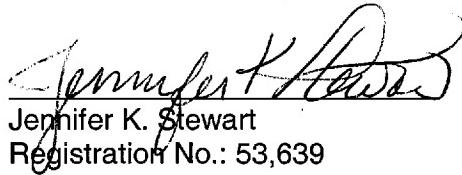
Kumar's ear loop is not part of the speaker port, Kumar does not teach or suggest the claimed combination port. As such, Kumar does not anticipate independent claims 1, 13, 16, and 25.

Applicant further submits that nothing in the cited art teaches or suggests that the attachment member comprises a support bar disposed in the port, as required by independent claims 13 and 16 and dependent claims 2 – 5, 14, 26, and 27. In response, the Examiner asserts that DuMont's attachment member 19 and 73 – 75 is part of the DuMont's port. However, as discussed above, DuMont's fishing lure does not include the claimed port. Further, the attachment member in DuMont is simply secured to the housing near the location where the speaker projects sound. This is not the same as a support bar that is disposed in the claimed port (claims 2 – 5, 26, and 27). Further, DuMont's attachment member does not span across a recessed acoustic port as required by claim 14, or span across the opening as required by claims 1 and 16. Similarly, nothing in Raven or Kumar teaches or suggests that the attachment member is disposed in or spans the combined port. For at least these reasons, claims 1, 13, and 16 are patentably distinct, and at least claims 2 – 5, 14, 26, and 27 add patentably distinct limitations to the invention of the independent claims.

In light of the above remarks, Applicant submits that claims 1 – 31 as amended are new and non-obvious over the cited art. Therefore, Applicant respectfully requests that the Examiner reconsider the rejections and issue a notice of allowance.

Respectfully submitted,

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